

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

12/18/2001

CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES

P. M. Espinoza
Deputy

CV 2001-015191

FILED: _____

CALIBER ASSET MGMT, et al.

RICHARD N GROVES

v.

ANGELA STRINGFELLOW

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4816 W BETHANY HOME RD #139
GLENDALE AZ 85301-0000

FINANCIAL SERVICES-CCC
MARYVALE JUSTICE COURT
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement, the Court having ordered Appellee to file its Memorandum on or before November 22, 2001, and no memorandum having been received. This Court has considered and reviewed Appellant's Memorandum and Appellant's Motion to Vacate Judgment. This Court has also reviewed the record of the proceedings, though no tape or transcript of the proceedings in the Maryvale Justice Court was ordered or provided to this Court, so the Court considered the written record from the Maryvale Justice Court.

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Appellant appeals from a Default Judgment¹ when Appellant failed to appear for trial on August 7, 2001. Judgment was entered in a total amount of \$259.00 and a Writ of Restitution was to issue August 8, 2001 at 12:00 p.m. The only issue raised by Appellant is that the Maryvale Justice Court was an improper venue for this proceeding and that she was not provided notice of the proceeding. However, the Court's file clearly reflects Affidavit of Return of Service upon Angela Stringfellow. Service was made upon Appellant at 2:18 p.m. on August 4, 2001. According to the Affidavit of Service, the Process Server served an adult female who "refused to give her name" but "stated that she resided therein". The Summons and Complaint clearly reflect that the proceeding was to occur at the Maryvale Justice Court. Appellant's contention that she was unaware which court her action was being held is not supported by the record. In fact, the record shows that she was served and given information as to which court she was ordered to appear in.

Appellant's contention that the Maryvale Justice Court was the improper venue does not affect the Maryvale Justice Court's jurisdiction over the subject matter and Appellant's person. There being no defect in the Court's jurisdiction, Appellant's objections are without merit.

For these reasons, then,

IT IS ORDERED affirming the judgment of the Maryvale Justice Court of August 8, 2001.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall tender all monies deposited by Appellant for rent and bond, if any, to Appellee.

¹ Appellant maintains a Default Judgment was entered against her and the record supports her claim in the docket sheet prepared by the Clerk of Maryvale Justice Court, the action is listed as a "Default Judgment Entered". The Docket reflects this even though the judgment itself shows both parties present, and both parties having presented evidence. It appears that the form of judgment is incorrect.

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IT IS FURTHER ORDERED remanding this matter back to the
Maryvale Justice Court for all further and future proceedings.